



The Salisbury Planning Board held its regular meeting Tuesday, June 10, 2008, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

**PRESENT:** Karen Alexander, Robert Cockerl, Tommy Hairston, Richard Huffman, Jeff Smith, Valerie Stewart, and Diane Young.

**ABSENT:** Dr. Mark Beymer, Maggie Blackwell, Craig Neuhardt, and Albert Stout

**STAFF:** Dan Mikkelson, Preston Mitchell, Diana Moghrabi and David Phillips

This meeting was digitally recorded for Access 16. Mark Wineka of the *Salisbury Post* was present.

Jeff Smith, Vice Chair, called the meeting to order and offered a moment of silence and a devotional by Susan Kramer on tolerance. The minutes of the May 27, 2008 meeting were approved as submitted; adding one minor correction at the end of the meeting. The Planning Board adopted the agenda as submitted. Mr. Smith welcomed guests and visitors and explained the courtesy hearing.

## **NEW BUSINESS**

### **A. Special Use Permit**

- (a) Swear in persons testifying at public hearing
- (b) Public Hearing
  - (i) Receive testimony from staff
  - (ii) Receive testimony from public
- (c) Declare 'Findings of Fact'
- (d) Recommendation

**SUP-02-08** House of Hope Re-entry program  
730 South Ellis Street  
Tax Map-015, Parcel-026

David Phillips and Preston Mitchell made a staff presentation jointly.

This request is for the establishment and operation of a group care facility in UR zoning. The House of Hope Re-entry program is a post release (from prison) transitional facility.

All who planned to speak at the courtesy hearing were sworn in. This is a quasi-judicial process. Evidence will need to be given to support (or not support) the standards in the code. A decision must be made based on evidence and facts and not solely from opinion.

Materials in the Planning Board's possession at this point: A petition from those opposed living in the neighborhood, a signup sheet from the committee meeting, evidence from the committee meeting, a program profile from House of Hope Re-entry Program, letters of support, awards letters, and slides from a PowerPoint presentation from the West Side Community Foundation.

Several excerpts from staff and sections of the code were distributed to the Planning Board. The City does not have any traffic counts for this area. Worst-case scenario—if the clients were allowed to have vehicle and there are two case managers—could generate around 34 trips a day.

Based on the information in the city code, (Staff has not been inside the structure to see.) the calculations for multiple occupants are 50 square-feet per occupant as a minimum for sleeping quarters. Living space requirement is at least 150 square feet of floor space for the first occupant and for the next three occupants you have to have an additional 100 square feet per occupant. Beyond that, you need to have an additional 75 square feet per occupant. This structure, according to the tax property card, has one and one-half restrooms and has a total square footage of 1,580 square feet which is sufficient.

Staff contacted the Governor's Crime Commission Friday, June 6, to find out about state licensing requirements necessary for a facility of this type. They were not aware of any requirements by the Department of Health and Human Services. Staff recommends that the operations manual and 'Pathways to Success Case Management Plan' be written prior to the issuance of a special use permit or as a condition thereof.

Jeff Smith commented that in six years of serving on the Planning Board he had never seen so much evidence offered.

The burden is on the applicant to present sufficient evidence to allow the Planning Board and City Council to make findings that the required standards will be met. It is the burden of the opponent to present sufficient evidence that a standard will not be met. If insufficient evidence is presented that the required standards will be met, then the Special Use Permit must be denied. If solid evidence is presented that all of the standards will be met, then the Special Use Permit must be issued. If solid evidence is presented that even one of the general or specific standards will not be met, then the Special Use Permit must be denied. If there is conflicting evidence, the Board decides what the facts are and makes a decision accordingly.

**Committee 2** (Albert Stout-Chair, Valarie Stewart, Craig Neuhardt, and Robert Cockerl) met at 5:00 p.m., Thursday, June 5, 2008, at One Water Street to further study this issue. Staff provided a recap of that meeting in the Planning Board agenda packet.



The following should be noted in the TAKING OF EVIDENCE leading to the FINDING OF FACTS:

1. That the applicant, Westside Community Foundation, Inc., 719 South Caldwell Street, Salisbury, has applied for a Special Use Permit to establish a Group Care Facility to be located at 730 South Ellis Street.
2. The property in question may be identified as Parcel 026 as found on Rowan County Tax Map 015.
3. The property is currently zoned Urban Residential-12 (UR-12).
4. That the UR district allows the use of a Group Care Facility with the issuance of a Special Use Permit.
5. The definition of a Group Care Facility as defined in Chapter 18 Definitions-Use Definitions is as follows:

**Group Care Facilities:** A facility that provides resident services to more than six individuals of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, [or] are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed or supervised by any federal, state, or county health/welfare agency, such as group dwellings (all ages), halfway houses, nursing homes, resident schools, resident facilities, and foster or boarding homes.

6. As per Section 3.3 Additional Standards Per Use subsection P requires the additional conditions be met:

**P. Group Care Facility (More than six residents) – For all districts**

1. Any structure used for such facility in the UR or RMX district shall maintain an appearance of a residence which is compatible with the surrounding neighborhood.
2. These facilities shall be developed and maintained in accordance with all current and applicable provisions of the NC Department of Health and Human Services.
7. The structure to be used is an existing house. No changes to the residence have been discussed.
8. A copy of the State permit will be required to be on file with the City of Salisbury to verify approval and compliance with the Department of Health and Human Services requirements.
9. The Salisbury Planning Board is to hold a hearing regarding the Special Use Permit.

10. The evaluation and approval of the Special Use Permit shall be governed by quasi-judicial proceedings, which are based upon the sworn testimony and evidence presented at the hearing relevant to the following standards:
  - a. The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
  - b. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
  - c. The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed.
11. The Planning Board must find that all conditions have been met based on findings of fact presented.
12. In recommending an application for a Special Use Permit, the Salisbury Planning Board may recommend fair, reasonable, and appropriate conditions on the location, nature and extent of the proposed use.
13. The recommendation of the Salisbury Planning Board will be referred to the Salisbury City Council.

Jeff Smith opened the Courtesy Hearing.

*Those speaking in opposition*

**Dr. Ada Fisher**, 425 W. Horah Street, applauds Gethsemane Missionary Baptist Church in their effort to rehabilitate and provide avenues of success to people with backgrounds that do not normally contribute to their successful re-entry into society.

The area is now saturated with people who need an opportunity. We need to be mindful of the mix that happens in neighborhoods. Neighborhoods have absorbed a great deal—this is not in the best interest for economic growth and development. There are already group homes, Section 8 Housing, etc. We are doing our part to help folks who need a second chance. This program, in this location, threatens to undermine single-family housing in the neighborhood.

She is very concerned about the potential for an increase and escalation of violence. She did not see the data regarding the crime rate in the area. That is something that needs to be considered if you are planning to introduce people who have a criminal background into the area.



Dr. Fisher suggests that finding jobs is critical, because then they can live any place they want. She offered her assistance because she believes in what the church is offering.

**Dee Dee Wright**, 418 S. Caldwell Street, requested that the letter to the editor of the Salisbury Post, which she wrote, become part of the deliberation.

She is concerned that the 800 square-foot requirement of living space did not include a 24-hour staff person.

Ms. Wright asked what the data showed that Chief Wilhelm presented at the committee meeting. Jeff Smith and Preston Mitchell responded that crime statistics in the Planning Board packet of evidence included call report from Salisbury Police Department for a 200-yard radius from the subject site. The four pages of data were whittled down to one page for quality of life calls—98 quality of life type calls for one year are as follows.

- 5 assaults
- 4 burglaries
- 36 disturbances
- 10 larcenies
- 2 sex offenses
- 19 suspicious persons
- 2 threats
- 13 vandalisms

**Norde and Kay Wilson**, 501 Maupin Avenue, said, “There is nothing Christian about bringing a band load of criminals into a neighborhood—Lot line to lot line, living room to living room—making women and mothers afraid to go out and work in their yards and to let their children go out and play. These criminals who may deserve a second chance do not deserve it at the expense of the fear and discomfort of law-abiding neighbors.”

“We too are in favor of giving these criminals a slow re-entry, but we are adamantly opposed to the location. My wife and I, as property owners, take our responsibility to the community seriously. We have 50 carefully selected tenants within a block of this proposed crime house, next door and across the street. We still have mortgages on many of these properties and these mortgages can only be paid when people choose to rent from us. In a small town like Salisbury, we would quickly be known as that area where the crime house is. This would kill us and the other homeowners who have money invested also. None of you would rent or buy in a neighborhood knowing there was a crime house there. We cannot let that happen and we rely on each of you for your sound reasoning and your good judgment.”

Mr. Wilson stated that he had experience in the military and suggested that these men living in close quarters would certainly lead to problems.

**Betty Carli**, 419 S. Ellis Street, is the President of the Residents of Old Salisbury, which is the name of the West Square Historic District. She offered to Planning Board a stack of petitions listing people in opposition of the proposed site stating that it would jeopardize a fragile neighborhood. Young families are moving into the district and are terrified. The neighborhood has come too far for this to happen now. These men need room out of doors for activities; this is a tiny lot.

**Brenda Rice McNeeley**, 614 S. Ellis Street, was mainly concerned about the safety of the neighborhood. One of the break-ins happened at her daughter's house at 717 S. Ellis Street. Her grandson suffers from panic attacks and seldom wants to go outside to play.

She fearfully tends to her sister who has MS because she has to go out at 11 p.m. and all times of the day. Her neighborhood is a troubled neighborhood.

**Robert Hoke** of 700 S. Fulton Street stated that within a short walking distance there are a lot of unseemly activities going on—particularly in the evening times. These neighborhoods are stressed. A casual observer can see evidence of substantial drug activity and prostitution. To locate this facility in the mist of these activities is not sound judgment and will pose additional stress on these already troubled neighborhoods. Additionally, with the presence of the proposed individuals near the high school he has major concerns for public safety.

**Fannie Butler**, 711 Torrence Street, is the President of the West End Community Organization, which is not connected with the West Side Community Foundation. She echoed much of what had already been said.

As a former member of Gethsemane Missionary Baptist Church, she is not convinced the house is adequate. The house was supposed to be used for scouts.

David Phillips said that, "Based on minimum housing standards they are required to have 1,050 square feet for two case managers, or a resident manager and a case manager, and the eight clients. The tax records are showing that the house is 1,580 square feet so it is within the calculations that can house what has been proposed."

Karen Alexander interpreted the criteria to include all bed and baths and that the habitable space for ten people should be greater.

**Jack Thomson**, 530 W. Monroe Street, lives within four blocks of the site. It is a neighborhood that has a lot of attributes. A large number of residents rely on pedestrian traffic to downtown, to school and to the library.

His said his "major concern, which can be filed under emotional opinion as a resident who lives close by, is that you will place children in harm's way." This is one of the few areas where children on bikes know each other and play from house to house like our parents did.



*Those speaking in favor*

**Donnie Jefferson**, Vice Chair West Side Community Foundation Board, asked to clarify a few things. The three staff that will be hired will not be in the house at the same time. They will cover various shifts in a 24-hour day. Job placement assistance will be offered.

Some profiles representing successful programs were distributed; see handout for the Exodus Home in Hickory, NC, which is highly regarded by the Governor's Crime Commission. She went over statistics and successes in the handout.

Also included in the packet was information about The Oxford House and second chance legislation. Only 18 percent of those enrolled in a program have been arrested again within one year which is less than one-half of the estimated national average.

Also included in the packet they provided were the minutes of their community meeting. There is no operations manual at this time; the timeline proposed to the Governor's Crime Commission was also included.

**Quentin Woodward, Jr.** 1017 Locke Street, served on the committee responsible for preparing the grant to establish the House of Hope. He had a career with the Federal Bureau of Prisons and retired ten years ago. One of his responsibilities was placing inmates in residential facilities like the House of Hope. He is familiar with the screening process, operations and management of re-entry facilities like the House of Hope.

In his opinion, these programs are successful for the following reasons:

1. They provide careful screening of inmates
  - a. Consider prison conduct
  - b. Readiness for release
  - c. Nature of crime and extent of their involvement.
2. They assist inmates by identifying community assistance needs.
3. Establish a program plan upon the inmates' arrival and monitor the progress at different intervals during their stay.
4. Provide unannounced sanitation and security inspections
5. Assure the understanding of house rules and the consequences if these are violated.
6. Family support

The program does everything possible to make sure the inmates return as lawful and productive citizens.

**Thomas Morgan**, 145 Guilford Lane, Richfield, said that Gethsemane Missionary Baptist Church is and always has been an influence in the community. Gethsemane Missionary Baptist Church has some very positive and productive programs. Through the West Side Community Foundation, they are trying to meet offenders' needs for housing, mentoring and job placement—to serve those in need of service.

**Timothy Ford**, 301 E. Earnhardt in East Spence, is a member of the West Side Foundation Board. This is an opportunity not to close the door on this re-entry program and the positive opportunities for the individuals being released. They are going to be released, anyway. He reiterated what others in favor have said. Fear is not going to help the situation.

**Dr. Nilous Avery**, second pastor of Mt. Zion Baptist Church, 110 N. Deerfield Circle, has had personal experience in the life of his family regarding the benefits of this type of transitional housing. In 2006, 352 Rowan County inmates were released back into the community, in 2007--547. To date, in 2008, 251 ex-offenders have been released back into our community. This program will be a benefit to the community and to those who transition through this proposed house.

**Aaron Wells**, 2012 Summit Ridge Lane, Kannapolis, is the executive director of Higher Level Missions in Kannapolis. There, residents are students at RCCC, they work on the construction of the research center and have other work opportunities. Restoration of broken lives is their goal. The strength of this community makes it the right place to put this transition home.

**Reverend Clary L. Phelps** is the Pastor of Gethsemane Missionary Baptist Church which is adjacent to this property at 719 S. Caldwell Street. He represents the Westside Community Foundation, Inc. -- an outgrowth of the church. He has been sitting through these various hearings for a while.

He has been called to do this and he related the good deeds to his faith. Who is going to reach out to these men? If we are not going to give these people an opportunity as citizens who will. These men want to be responsible; they want to be loving fathers.

Four additional members of the public were then sworn in to allow testimony.

**Mamie Anderson** lives at 801 W. Thomas Street. She is against the location of House of Hope. She would be afraid to sit outside knowing there are eight men--eight prisoners--added to the ones that are already on the street.

**R. W. Brown**, 815 W. Thomas Street, had two questions to propose.

1. How does this facility improve the well-being of the community? He is not against the basic principle.
2. How is the quality of life improved in the secular sense for senior citizens? Will this affect the value of their property? Will it affect their sense of or perception of wellbeing?

We are told to look after all God's creation and not just a single special population.

**Melissa Eller**, 719 S. Fulton Street, is concerned about putting this facility in a fragile neighborhood. This neighborhood sees public display of marijuana on the street. She wanted to address qualifications of staff and added security.



**Jim Carli**, 419 S. Ellis Street, said, "We are putting these people in a house with less room than the cells they had when they were incarcerated." He asked anyone living within three quarters of a mile of the proposed site to please stand—13 people stood. "It appears that most of the people in favor of the proposed site do not live in our community."

Jeff Smith closed the Courtesy Hearing.

Preston Mitchell asked for disclosure of any Planning Board ex parte communication.

Valarie Stewart stated that on May 29, 2008, she received a phone call from Ms. Wright who asked if Ms. Stewart had any information regarding the specifics of this program. Ms. Wright had been made aware of the petition through the *Salisbury Post* and wanted to do some additional research. Ms. Stewart stated to Ms. Wright that she was not aware of any additional information and encouraged her to call the City Planning Department.

Valarie Stewart stated that she received a phone call on June 1, 2008, from a person living in the neighborhood who was concerned about the proposal she read in the *Salisbury Post* for a "house for prisoners"—she had been referred to Ms. Stewart. She told Ms. Stewart about a similar house that had come into a neighborhood she had lived in ten years ago in Raleigh and how the program impacted the neighborhood. She wanted to know how to demonstrate her opposition to the program in her neighborhood. Ms. Stewart also encouraged her to contact the City Planning Department.

At the encouragement of Ms. Wright, two more people left Ms. Stewart messages stating that they were not in favor of this proposal.

Tommy Hairston also heard from Ms. Wright and she stated her opinion. Mrs. Vincent briefly discussed the House of Hope program and other similar programs.

Diane Young stated that, at the close of the last Planning Board meeting, she and Valarie Stewart had a brief discussion about the funding source of this group.

#### *Board discussion*

Valarie Stewart noted the Oxford House located in Salisbury on S. Institute Street. Staff will get more information for the Planning Board.

Reverend Phelps stated that board membership (15) of the West Side Community Foundation was diverse. Several members came through the church. He did not think anyone on the board currently lived in the neighborhood of the proposed site.

Valarie Stewart acknowledged that the board had been given a tremendous amount of information. She commended Reverend Phelps and Ms. Jefferson, as well as staff, for their diligence in providing a great deal of information. She is not comfortable with the



density of the neighborhood and questions whether the size of house is suitable for this number of adult men.

Because of the importance of this issue, she is not comfortable to say she knows enough to make a decision. A worst-case scenario would be to recommend approval and somebody's child is negatively impacted as a result of these residents. She understands the timeline for the grant; there are things that Ms. Jefferson needs to move forward on to satisfy funder.

Ms. Stewart would like code enforcement to inspect the house to say this number of people can be accommodated. This is too important to rush a decision.

Diane Young was, at first, relieved to receive information on Exodus Homes. She is not ready to accept this information as an indication that crime rates are not adversely affected by placing a home like this in a dense neighborhood. It appears that Oxford House is geared more toward recovering drug abusers and alcoholics. These are two completely different issues—she needs data from a facility in dense neighborhood that does exactly what Planning Board is being asked to approve today.

Robert Cockerl acknowledged there was a lot of evidence, and that this is an excellent program. It is a chance to rehabilitate some individuals. This is a noble goal. Due to the overwhelming community feeling of opposition the Planning Board needs to look closer at the evidence and do more investigating. At this time he is on fence.

Karen Alexander would not be comfortable enough to make a decision in favor of this program. This is different than the way she reads the purpose of the group home program. It would be more appropriate if monitored by the Department of Health and Human Services. According to the Land Development Ordinance, it is supposed to be under that auspice. Therefore, it is an inappropriate request. She was glad Ms. Stewart pointed out there is already, in this very fragile neighborhood, a home for people wishing to have a second chance. The neighborhood is definitely doing their part already. To introduce another even more intense program would be inappropriate. If she had to make a decision today it would be no, but she is will to hear and study more data. She would need a lot of supporting data to be able to support anything like this.

Diane asked if there was a listing of all group homes that serve previously incarcerated individuals or recovering substance abusers within our city limits. Staff suggested that the DHHS Web site can provide information. This particular type of program is not required to be listed since it is nested in the Governor's Crime Commission and the Department of Corrections. Are there any listings for crime commission facilities—a licensure list with correctional facilities working in concert with anyone?

Dick Huffman made a MOTION to continue to the next meeting of the Planning Board to receive additional evidence. There will not be another committee meeting. Tommy Hairston seconded the motion with all members voting AYE. (7-0)



Karen Alexander requested that new information should be given to the Planning Board before the next meeting. It is incredibly important to our community and the kind of decision being made for the broader population as well as specifically for this neighborhood.

Jeff Smith stated that the Courtesy Hearing has been closed. There will be no more evidence taken from the public. Information requested by Planning Board will be provided by staff.

Staff will do research at the Planning Board's request.

- Contact Governor's Crime Commission on location of homes.
- Find out if The Oxford House is still open and operating.
- Find Group Home locations belonging to DHHS--Specifically dealing with rehabilitation.
- What does the Salisbury crime statistic report represent? It is relatively subjective.
- Have a police representative do a community comparison.

MOTION to go past 6 o'clock--all agreed.

Staff is to get property owner permission to see property and check if calculations meet standards. Staff will talk to the City Attorney.

Since it is a single family home, doesn't that change use; is there a new standard or classification. Is it necessary to determine whether there is a need for ADA compliance? The property may not be adaptable. It is not in a historic district. Are there building code requirements, Fire Department classifications or other potential conditions?

Jeff Smith noted the public process to make good decisions and thanked everyone for participating. Since the case is being continued, do not share and discuss until next meeting.

Planning Board then took a five-minute recess at 6:10 p.m. Robert Cockerl had to leave at such time.

#### IV. NEW BUSINESS

##### B. District Map Amendments

- Explanation of procedure
- Staff Presentation
- Courtesy Hearing
- Board discussion
- Statement of Consistency
- Recommendation

**CD-5-04-2008**

Todd McNeely  
625 Corporate Circle  
Tax Map 060, Parcel 139

Request to amend the Land Development District Map by rezoning approx. 1.19 acres (1 parcel) in order to establish a Conditional District (CD) Overlay with base zoning of Highway Business (HB) for Competitive Sports Properties.

Staff provided a full report in the Planning Board packet and a Power Point presentation. There is an existing 14,948 square-foot facility. They are proposing a 10,000 square-foot addition. Sidewalks will be installed in the public right-of-way. They will voluntarily add shrubs in between trees for further screening per recommendation. Taller trees (south wall) will soften the appearance of the alternative material (metal building). They are losing four parking spaces but picking up street parking. This plan only proposes one interlock connection to the northern vacant lot. They meet all setback requirements.

Staff recommends approval of the plan dated May 21, 2008. They also recommend the rezoning.

No one spoke in opposition.

Pete Bogle of Ramsey, Burgin Smith Architects was present for any questions in support of the project.

##### *Board Discussion*

Valarie Stewart made a MOTION for approval stating that, "The Planning Board finds and determines that conditional district petition CD-5-04-2008, its associated master plan last dated the 21<sup>st</sup> of May 2008 and all other attached documents are consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan and hereby recommends approval. Dick Huffman seconded the motion with all members voting AYE. (6-0)



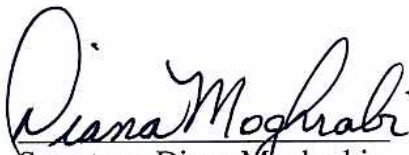
Jeff Smith commented that this is a reasonable request and the reason we have this flexibility with the new ordinance.


#### **OTHER BOARD BUSINESS**

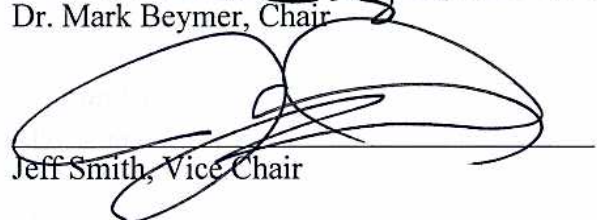
Preston Mitchell updated the Planning Board on the Western Gateway Area Plan. The second committee meeting went well. They are working toward scheduling their first community meeting.

The next Planning Board meeting will be June 24, 2008.

There being no further business to come before the Planning Board, the meeting was adjourned at 6:25 p.m.

  
Secretary, Diana Moghrabi

  
Dr. Mark Beymer, Chair

  
Jeff Smith, Vice Chair

**Tolerance**

By Susan Kramer

May we remember  
In our humanity  
We are part of a world family.

Tolerance  
Noting differences  
While remaining peaceful.

Recognizing that each  
Has the right  
To determine their reality.

Tolerance  
Allowing us to remain calm  
When we think others should act differently.

Tolerance breeding happiness  
As we take tender insights  
Into living.

Tolerance  
Blossoming in peace, joy, happiness, love.

Tolerance  
Not an end, but a beginning  
Hoping for a movement from tolerance to acceptance  
Acceptance in love by practicing love.